

# ZONING RECLASSIFICATION APPLICATION

## Harford County Board of Appeals

Bel Air, Maryland 21014

*Shaded Area For Office Use Only*

Case No. 075

Date Filed 12/15/97

Hearing Date \_\_\_\_\_

Pre-Conf. \_\_\_\_\_

Receipt 973490023

Fee \$ 700.00

### Note

1. It is required that the applicant have a pre-filing conference with the Department of Planning and Zoning to determine the necessary additional information that will be required.
2. The burden of proof in any rezoning case shall be upon the Petitioner.
3. Any application in a zoning case and any amendment thereto shall contain specific allegations setting forth the basis for granting of the request.
4. Petition must contain names and addresses of all persons having legal or equitable interest in the property, including shareholders owning more than five percent (5%) of the stock in a corporation having any interest in the property, except those corporations listed and traded on a recognized stock exchange.
5. Application will be reviewed for completeness within ten (10) working days of submittal. Applicant will be notified by mail of completeness of application.

### Petitioner

Name Hidden Stream Development, L.L.C. Phone Number call attorney

Address 1301 York Road, Suite 302 Lutherville MD 21093  
*Street Number Street State Zip Code*

Property Owner same as above Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
*Street Number Street State Zip Code*

Contract Purchaser N/A Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
*Street Number Street State Zip Code*

Attorney/Representative John J. Gessner Phone Number (410) 893-7500

Address 11 South Main St., P.O. Box 1776 Bel Air MD 21014  
*Street Number Street State Zip Code*

Hearing: 3/18/98

## Land Description

Address and Location of Property (with nearest intersecting road) Harford Town Drive near Bush Road  
Abingdon, MD 21009

Subdivision \_\_\_\_\_ Lot Number \_\_\_\_\_ Acreage/Lot Size see attached Election District \_\_\_\_\_

Existing Zoning R1/R3 Proposed Zoning R3 (all) Acreage to be Rezoned see attached

Tax Map No. 62 Grid No. 2C Parcel see attached Deed Reference \_\_\_\_\_

Critical Area Designation \_\_\_\_\_ Land Use Plan Designation \_\_\_\_\_

Present Use and ALL improvements: residential

Proposed Use (If for subdivision development, proposed number of lots, type of dwellings, and type of development.

Example: Conventional, Conventional with Open Space, Planned Residential Development) residential  
single family homes

Is the property designated a historic site, or does the property contain any designated or registered historic structures?  
N/A If yes, describe: \_\_\_\_\_

Estimated Time Requested to Present Case: 30 minutes

## Required Information To Be Attached

*(Submit three (3) copies of each):*

(a) The names and addresses of all persons, organizations, corporations, or groups owning land, any part of which lies within five hundred (500) feet of the property proposed to be reclassified as shown on the current assessment records of the State Department of Assessments and Taxation.

(b) A statement of the grounds for the application including:

(1) A statement as to whether there is an allegation of mistake as to the existing zoning, and if so, the nature of the mistake and facts relied upon to support this allegation.

(2) A statement as to whether there is an

allegation of substantial change in the character of the neighborhood, and if so, a precise description of such alleged substantial change.

(c) A statement as to whether, in the applicant's opinion, the proposed classification is in conformance with the Master Plan and the reasons for the opinion.

(d) A Concept Plan shall be submitted by the applicant at the time the application is filed. The Concept Plan shall illustrate the following:

(1) Location of site.

(2) Proposed nature and distribution of land uses, not including engineering drawings.

(3) Neighborhood (as defined by the Applicant).

1 : 12/12/97  
2 : 7098.DOC  
hf2

APPLICATION OF HIDDEN STREAM DEVELOPMENT LLC

Acreage/Lot Size

Map 62 Parcel 372 40,249 S.F.  
Map 62 Parcel 373 27,181 S.F.  
Map 62 Parcel 374 20,821 S.F.  
Open Space 0.218 AC.

Acreage to be Rezoned

Map 62 Parcel 372 640 S.F.  
Map 62 Parcel 373 17,500 S.F.  
Map 62 Parcel 374 16,400 S.F.  
Open Space 5,300 S.F.

Deed References 1646/239 and 2498/525

ATTACHMENT A  
FOR ZONING RECLASSIFICATION APPLICATION  
HIDDEN STREAM DEVELOPMENT, LLC, PETITIONER

The Zoning Reclassification Application requests the following information.

Petitioner's submission is as follows:

"(a) The names and addresses of all persons, organizations, corporations, or groups owning land, any part of which lies within five hundred (500) feet of the property proposed to be reclassified as shown on the current assessment records of the State Department of Assessments and Taxation."

Petitioner: See attachment A-1, List of Adjoining Property Owners.

"(b) A statement of the grounds for the application including:

"(1) A statement as to whether there is an allegation of mistake as to the existing zoning and, if so, the nature of the mistake and facts relied upon to support this allegation."

Petitioner: A mistake occurred in the legal sense when the subject property was zoned R-1 during the 1988 Comprehensive Rezoning. The County Council did not realize that the Harford Town subdivision would be developed on the subject property. Accordingly, it could not have known that the subdivision plan would create the parcels of land which are the subject of this case with "split zoning", i.e., R-1 and R-3. Extending the R-3 zoning district boundary so that all of the subject parcels are entirely zoned R-3 will correct this mistake. The requested R-3 classification is appropriate for the subject property.

"(2) A statement as to whether there is an allegation of substantial change in the character of the neighborhood, and if so, a precise description of such alleged substantial change."

Petitioner: Petitioner alleges that a substantial change has occurred as a result of the development of the Hidden Stream and Harford Town residential subdivisions and the granting of the rezonings in Case No. 68 and 69.

"(c) A statement as to whether, in the applicant's opinion, the proposed classification is in conformance with the Master Plan and the reasons for the opinion."

Petitioner: The proposed classification is in conformance with the Master Plan.

"(d) A concept plan shall be submitted by the applicant at the time the application is filed. The concept plan shall illustrate the following:

1. Location of site;
2. Proposed general nature and distribution of land uses but need not include engineered drawings;
3. Neighborhood;
4. All surrounding zoning; and
5. Proposed public or private capital improvements.

Petitioner: See attachment A-2, entitled "Preliminary Plan - Series 9 HARFORD TOWN" revised January 5, 1996, prepared by Morris & Ritchie Associates, Inc.

"(e) List previous rezonings and recommendations since the effective date of the Comprehensive Rezoning, within the neighborhood of the petitioned area, their case numbers, dates, and decisions."

Petitioner: Case No. 68 and 69, both dated September 6, 1996 granting rezoning from R1 to R3.

"(f) Map indicating woods, fields, streams, floodplains, non tidal wetlands, etc."

Petitioner: See Attachment A-2

"(g) Property deed, and a boundary survey prepared and sealed by a registered surveyor, including dimension of area requested to be rezoned if only a portion of the property."

Petitioner: See Attachments A-3 (Title Deed) and A-2

"(h) Private restrictions or covenants, if any, applicable to subject parcel."

Petitioner: None

"(i) Any agreements with individuals or associations in the neighborhood related to the proposed zoning shall be submitted."

Petitioner: None .

"(j) Availability of public water and sewer."

Petitioner: Both public water and sewer are available.